

AD-1069

(02-06-12)

U. S. DEPARTMENT OF AGRICULTURE

Farm Service Agency
Natural Resources Conservation Service

1A. State Name

1B. County Name

ILLINOIS

MONROE

REQUEST FOR GOOD FAITH RELIEF
WETLAND CONSERVATION (WC) VIOLATION

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 12 and the Food, Security Act of 1985 as amended. The information will be used to determine eligibility for program benefits. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility for program benefits.

This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of The Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246) Title II, Subtitle J - Miscellaneous Conservation Provisions. The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **COMPLETE PART A AND RETURN THIS FORM TO YOUR LOCAL FSA OFFICE.**

PART A - PRODUCER'S REQUEST

2. Name and Address of Producer (Including Zip Code):

5 U.S.C. § 552(b)(6)

3. Telephone No. (Including Area Code)

5 U.S.C. § 552(b)(6)

4. Tax Identification No. (last 4 digits)

5 U.S.C. § 552(b)(6)

5. Farm No. With WC Violation

5 U.S.C. § 552(b)(6)

6. Crop Year of Determination

2012

7. Request for a good faith determination. (State the circumstances surrounding the wetland activity for which a determination is requested. Include any evidence that the activities were performed in good faith and without intent to violate WC provisions and not as a scheme or device to avoid compliance.)

Also, will complete the restoration as required. Just was wanting to push back trees to original farm line - See attached letter

8A. Signature of Producer (By)

5 U.S.C. § 552(b)(6)

8B. Title/Relationship of the Individual
Signing in the Representative Capacity

Pres.

8C. Date (MM-DD-YYYY)

3/5/13

FSA COMPLETES

9. Date Referred to NRCS (MM-DD-YYYY)

3-15-2013

NOTE TO PRODUCER: Application for a good faith determination does not preclude the opportunity to exercise appeal rights according to notice given with regard to the WC determination. If a good faith relief request is approved by the county committee with concurrence of the State Executive Director and NRCS, eligibility will not be restored until a mitigation agreement according to NRCS requirements is signed. The wetland must then be mitigated within the period required by NRCS.

PART B - NRCS INFORMATION

10. Describe any pertinent facts relating to the case that NRCS or the Soil and Water Conservation District have that may affect the COC determination:

Needs to implement restoration plan

11. Was the producer informed of the wetland determination made by NRCS through personal contact?

YES NO

☐ ☒

12. Does NRCS have knowledge that the producer was involved in a previous National, State, or local wetland violation issue?

☐ ☒

13. Did NRCS have a discussion at any time with the producer concerning the wetland before the activity occurred? If "YES", describe the situation:

☐ ☒

14A. Signature of NRCS Employee

14B. Date (MM-DD-YYYY)

3-15-2013

15. Date Returned to FSA (MM-DD-YYYY)

3-15-2013

PART C - DETERMINATION BY COC AND CONCURRENCES

16. Based on information available, the COC determined that a good faith effort to comply without intent to violate:

☒ Was made by the producer.☐ Was not made by the producer.

17. Reasons for the COC determination (Attach an additional sheet, if necessary.)

Producer was unaware that program prohibited pushing trees back to the original field boundary and is willing to restore the area of .2 acre

18A. Signature of COC

18B. Date Signed
(MM-DD-YYYY)

3-15-13

19A. Signature of SED/DD for Concurrence

☐ Concur☐ Do not concur19B. Date Signed
(MM-DD-YYYY)

20. If SED/DD Does Not Concur, Provide Reasons:

21A. Signature of NRCS State/Area Conservationist For Technical Concurrence

☒ Concur☒ Do not concur

21B. Date Signed (MM-DD-YYYY)

PART D - MITIGATION PLAN

A Good Faith determination resulting in the reinstatement of USDA program benefits shall become effective after all required signatures in Part C are obtained and the producer signs the required mitigation plan.

22. Date mitigation plan was signed by the producer (MM-DD-YYYY):

3/15/2013

23A. Signature of NRCS Employee

23B. Date Signed (MM-DD-YYYY)

3/15/13

| | |
|--|---|
| FSA-569 (02-06-12) U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency NRCS REPORT OF HELC AND WC COMPLIANCE | 1. Control Number 1 |
| | 2. Was This Determination Requested by NRCS? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |

PART A – TO BE COMPLETED BY FSA

| | | |
|---|--|---|
| TO: NRCS FROM 3. (County FSA Office Name and Address) Monroe County FSA Office 138 Williamsburg Lane Waterloo, IL 62298 | 4. FSA Administrative County: | |
| | A. State Name and Code Illinois - 17 | B. County Name and Code Monroe - 133 |
| | 5. NRCS FIPS State and County Code 17-133 | |
| | 6. Farm Number [REDACTED] | 7. Crop Year 2013 |
| | | 8. Tract Number [REDACTED] |

| 9. Producer Information | | 10. To be completed by NRCS | |
|--|----------------------|-------------------------------------|--|
| Producer | A. NAME AND ADDRESS | B. TAX ID NUMBER (Last 4 Digits) | Enter Date NRCS Technical Determination Is Final (MM-DD-YYYY) |
| Operator of Farm entered in Item 6. | 5 U.S.C. § 552(b)(6) | [REDACTED] | 02-08-2013 |
| Owner(s) of tract entered in Item 8. | 5 U.S.C. § 552(b)(6) | [REDACTED] | 2-8-2013 |
| Tenant(s) or Sharecropper(s) on farm entered in Item 6 Note: Enter "NONE" if applicable. | 5 U.S.C. § 552(b)(6) | [REDACTED] | N/A |

INSTRUCTIONS FOR NRCS: The above farm has been identified as having a potential noncompliance of the highly erodible land and wetland conservation provisions of the Food Security Act of 1985, as amended, for the crop year indicated above. Applicable field(s) or area(s) are marked with a red "X" on the attached photocopies.

- a) Please make applicable review(s) for the determination checked in Part B.
 b) Complete Item 10 above when the NRCS technical determination becomes final and Part C below and return it to the FSA County Office immediately so that the producer's eligibility for program benefits can be determined.

| | |
|--|---|
| 11. FSA County Office Representative (Complete Part B) <i>Jenna Mathews</i> | 12. Date Referred to NRCS (MM-DD-YYYY) 11/29/12 |
|--|---|

| PART B – TYPE OF DETERMINATION | | PART C – TO BE COMPLETED BY NRCS (Check this block if NRCS was refused access to the land to verify compliance). | | |
|---|---|--|---|---------------|
| FSA Enter a "check" for the type of determination requested | | 1. Check If Reviewed | | 2. Field Nos. |
| 1. <input type="checkbox"/> | HELC Compliance Determination | <input type="checkbox"/> | The field does "NOT" meet requirements of the HELC provisions | |
| | | <input type="checkbox"/> | The field meets the requirements of the HELC provisions. | |
| 2. <input type="checkbox"/> | Verify wetland classification on land that was planted to an agricultural commodity | <input checked="" type="checkbox"/> | The area identified is a CW. | A |
| | | <input type="checkbox"/> | The area identified is "NOT" CW. | 0.2 |
| 3. <input checked="" type="checkbox"/> | Determine whether an area is a wetland that was converted after 11/28/90. | <input checked="" type="checkbox"/> | The area identified is a wetland that was converted after 11/28/90. | A |
| | | <input type="checkbox"/> | The area identified is "NOT" a wetland that was converted after 11/28/90. | 0.2 |

NRCS Certification: NRCS reviewed the field(s) or area(s) requested for the subject farm that are entered in Part C, Items 2 and 3.

| | |
|--|-------------------------------------|
| 4A. Signature, NRCS Representative <i>Wayne Johnson</i> | 4B. Date (MM-DD-YYYY) 01-07-2013 |
|--|-------------------------------------|

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

Date: 1/8/2013

5 U.S.C. § 552(b)(6)

CERTIFIED MAIL

Dear 5 U.S.C. § 552(b)(6);

The Food Security Act of 1985, as amended, requires any person who plants an agricultural commodity on a wetland converted after December 23, 1985, or converts a wetland after November 28, 1990 for the purpose of making production of an agricultural commodity possible, to be determined ineligible for many US Department of Agriculture (USDA) program benefits conditioned upon compliance with provisions set forth in USDA regulation 7 CFR Part 12 §12.4.

On December 18th, 2012 the Natural Resources Conservation Service (NRCS) conducted a wetland determination field investigation on 5 U.S.C. § 552(b)(6) in Monroe County, Illinois. Based on the field investigation I have made a preliminary technical determination that:

- Field A shown in Section II of the attached NRCS-CPA-026E "HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION" form, contain wetlands and/or wetland violations with the labels/certifications as indicated.
- These areas met, or had met before conversion, wetland criteria of having soils that developed in wetlands, plants that grow in wetlands and soil and/or surface wetness.
- Your manipulation by removing woody vegetation in 2012 on this wetland area is considered a manipulation that makes the area farmable and is a violation of the wetland provisions of the Food Security Act of 1985, as amended. This violation may impact your ability to receive many USDA program benefits if an exemption is not granted.

This preliminary technical determination has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination may not be valid for identifying the Army Corps of Engineers' (COE) Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the local office of the COE prior to starting the work.

The following are your rights under the USDA Administrative Appeals Process, as provided by the NRCS Appeals Procedures, 7 CFR 614, May 16, 2006, 71 FR28239. To exercise these rights you must respond to this office within 30 days of this letter.

1. You may request reconsideration and a field visit from the local office. The request must be made in writing and can be sent by email, fax, regular mail, or be hand delivered to the NRCS office located at: 140 Williamsburg Lane, Waterloo, IL 62298, ph. 618-939-6181 ext 3, fax 618-939-4647, or email wayne.johanning@il.usda.gov.

A field review will be conducted by NRCS field office personnel and an NRCS Area Technical Specialist, to review with you the basis for the preliminary technical

determination, answer any questions you may have, gather additional information from you concerning the preliminary determination and conduct additional field investigations if necessary.

Following the field visit, if the facts as presented at the field visit result in a determination that is no longer adverse to you as a USDA Program Participant, I will issue a final technical determination within 15 days. If, however, the determination remains adverse, I must by regulation at 7 CFR 614.7(b), forward my technical determination and all findings, including those from the field visit, to the State Conservationist for review and issuance of the final technical determination. If that determination is adverse, the State Conservationist will issue your appeal rights on the final technical determination.

2. You may also request mediation. Mediation may be used in an attempt to explain the preliminary technical determination, review other information that may be pertinent to your farming operation, and to provide a forum for a potential solution to any concerns you have with the preliminary technical determination. If you need information to assist you in deciding whether to mediate our decision you can call or e-mail the Illinois Agricultural Mediation Program or visit their web sites at www.ilagmediation.org and www.dri-inc.org. To request mediation, fax, email or mail a signed request with your contact information and a copy of this determination letter to the Illinois Agricultural Mediation Program office at:

Illinois Agricultural Mediation Program
Dispute Resolution Institute, Inc.
P.O. Box 1136
Carbondale, IL 62903
Phone: (618) 549-1300
Fax: 618-351-1419
Email: iamp@dri-inc.org

Mediation must be completed within 30 days from the date of the first mediation session. If an agreement is not reached, the mediation process ends. If an agreement is reached, I will issue a final technical determination that will be issued on the basis of the mediation agreement not later than 15 calendar days from the date the mediation agreement is signed by all parties. There will be no further appeal rights available if you choose mediation and the issue is successfully resolved.

3. If you wish to expedite the formal appeal process, you may make a written request to waive your informal reconsideration and/or mediation rights of the preliminary technical determination. Such request will render the preliminary technical determination final and appealable.

Until the preliminary technical determination subject to this notification becomes a final technical determination, the Farm Service Agency (FSA) will not use the preliminary technical determination to make decisions on your eligibility for any USDA program benefits subject to the Conservation Compliance Provisions.

If you are the owner of 5 U.S.C. § 552(b)(6) and the tract is being farmed by a tenant, I urge you to discuss this letter with your tenant. Likewise, if you are the tenant of 5 U.S.C. § 552(b)(6), I urge you to discuss this letter with your landlord.

Sincerely,

Bryan Fitch

Digitally signed by Bryan Fitch
DN: cn=Bryan Fitch, o=USDA-
NRCS,
email=bryan.fitch@usda.gov,
c=US
Date: 2013.01.07 14:55:00 -06'00'

Designated Conservationist

Attachments:

NRCS-CPA-026E HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION
DETERMINATION with map

cc: Monroe County Soil & Water Conservation District

WETLAND MITIGATION PLAN AGREEMENT

Name: 5 U.S.C. § 552(b)(6) Date: January 10, 2013

County: Monroe

Farm No.: 5 U.S.C. § 552(b)(6)

Address: 5 U.S.C. § 552(b)(6)

State: Illinois

Tract No.: 5 U.S.C. § 552(b)(6)

This agreement is to stipulate the conditions which must be created and maintained by the person in order to receive good faith/mitigation exemptions which will enable the provision of USDA program benefits to the person.

I hereby agree to the terms set forth below, and understand that any willful action on my part that is not consistent with the stipulated terms that will diminish the value of the restored wetland will result in the loss of the good faith/mitigation exemption and the area will be considered converted wetland (CW + 2012). I agree that the following terms will be installed and maintained in a condition that is to the satisfaction of the Natural Resources Conservation Service (NRCS) and agree to provide the right of access to wetlands involved to USDA personnel to monitor if terms of the agreement are being carried out.

PART 1 – CHARACTERISTICS OF PROJECT IMPACT

- I. Project Overview: Mr. Dillenberger cleared trees from a 0.2 acre wetland in 2012. A final certified wetland determination was completed in February 2013 that determined the area met all wetland criteria.
- II. Project Location: The area is located in the 5 U.S.C. § 552(b)(6) along Moredock Lake. (See attached map.)
- III. Characterization of Wetland Area Impacted:
 - A. Wetland Classification: PFOIA Palustrine Forested Wetland
 - B. Soils: Karnak overwash, frequently flooded. Matrix colors of 10YR4/2, 10YR5/1, and 2.5Y 5/1 within 12 inches of the soil surface. Yellowish red redox concentrations are present in all horizons from the surface down.
 - C. Vegetation: slough sedge, silver maple and black willow
 - D. Hydrology: water marks, inundation and oxidized roots
 - E. Topography: Low gradient lake shoreline

Part 2 – CHARACTERIZATION OF RESTORATION SITE

- I. Restoration Site Location: Same as impacted area:
- II. Site Characterization of Existing Physical Conditions:
 - A. Wetland Classification: Same as (Part 1, 3A)
 - B. Soils: Same as previously mentioned (Part 1, IIIB)

- C. Vegetation: Same as previously mentioned (Part 1, IIIC)
D. Hydrology: Same as previously mentioned (Part 1, IIID)
E. Topography: Low gradient lake shoreline

III. Restoration Techniques:

A. The restoration/mitigation sites shown on attached map will be planted to Bald Cypress. Refer to the table below and Illinois Job Sheet 612TS for number of trees needed and establishment specifications. For more detailed information see practice standard tree/shrub site preparation 490. Seedlings should be planted at a rate of 218 trees/acre on a 20 foot spacing. A minimum of 150 trees/acre should be living after 2 years to meet NRCS standards and specifications. If there are not 150 trees/acre the site may need to be replanted where the stand is deficient. Do not plant into frozen or extremely dry soil. Begin planting as soon as the ground can be worked in late winter or spring and complete by May 15. Seed source of all plant materials should be within a 200 mile radius of the planting site. The planting will be protected from unacceptable adverse impacts from pests, wildlife, livestock damage, chemicals or fire. After planting, the site will not be sprayed with herbicides, unless to control invasive species such as autumn olive and bush honeysuckle. Mowing is not allowed after planting.

| SPECIES | NUMBER OF SEEDLINGS TO PLANT |
|--------------|------------------------------|
| Bald Cypress | 44 |

B. Re-Vegetation: The site will have some natural re-vegetation occurring from silver maple and black willow.

C. Hydrology:

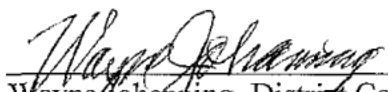
1. Targeted Hydrologic Regime: surface water, saturation, flooding.
2. Source of Water: precipitation, runoff

This mitigation agreement applies to the 1985 Food Security Act as amended, only. Other Federal, state and local permits may be required. This agreement becomes effective when signed and dated by all parties identified below.

5 U.S.C. § 552(b)(6)

Name, Owner/Operator

3/15/13
Date


Wayne Johanning, District Conservationist

3/15/13
Date

Illinois
Monroe
Report ID: FSA-156EZ

U.S. Department of Agriculture
Farm Service Agency
Abbreviated 156 Farm Record

FARM: 5 U.S.C. § 552(b)(6)
Prepared: 11/29/12 11:26 AM
Crop Year: 2013
Page: 1 of 3

Operator Name: 5 U.S.C. § 552(b)(6) Farm Identifier: 5 U.S.C. § 552(b)(6) Recon Number: 5 U.S.C. § 552(b)(6)

Farms Associated with Operator:

5 U.S.C. § 552(b)(6)

CRP Contract Number(s): None

| Farmland | Cropland | DCP Cropland | WBP | WRP/EWP | CRP Cropland | GRP | Farm Status | Number of Tracts |
|----------------------|--------------------|------------------------|----------------|---------|----------------|-----|-------------|------------------|
| 5 U.S.C. § 552(b)(6) | | | | | | | | |
| State Conservation | Other Conservation | Effective DCP Cropland | Double Cropped | MPL/FPW | FAV/WR History | | | |
| 5 U.S.C. § 552(b)(6) | | | | | | | | |

| Crop | Base Acreage | Direct Yield | CC Yield | CCC-505 CRP Reduction | PTPP Reduction |
|-------------------|----------------------|--------------|----------|-----------------------|----------------|
| WHEAT | 5 U.S.C. § 552(b)(6) | | | | |
| CORN | | | | | |
| SOYBEANS | | | | | |
| Total Base Acres: | 5 U.S.C. § 552(b)(6) | | | | |

Tract Number: 5 U.S.C. § 552(b)(6) Description: 5 U.S.C. § 552(b)(6) FAV/WR History: N

BIA Range Unit Number:

HEL Status: HEL: conservation system is being actively applied

Wetland Status: Tract does not contain a wetland

WL Violations: None

| Farmland | Cropland | DCP Cropland | WBP | WRP/EWP | CRP Cropland | GRP |
|----------------------|--------------------|------------------------|----------------|---------|--------------|-----|
| 5 U.S.C. § 552(b)(6) | | | | | | |
| State Conservation | Other Conservation | Effective DCP Cropland | Double Cropped | MPL/FPW | | |
| 5 U.S.C. § 552(b)(6) | | | | | | |

| Crop | Base Acreage | Direct Yield | CC Yield | CCC-505 CRP Reduction | PTPP Reduction |
|-------------------|----------------------|--------------|----------|-----------------------|----------------|
| SOYBEANS | 5 U.S.C. § 552(b)(6) | | | | |
| Total Base Acres: | 5 U.S.C. § 552(b)(6) | | | | |

Owners: 5 U.S.C. § 552(b)(6)

Other Producers: None

Illinois
Monroe
Report ID: FSA-156EZ

U.S. Department of Agriculture
Farm Service Agency
Abbreviated 156 Farm Record

FARM: [REDACTED]
Prepared: 11/29/12 11:26 AM
Crop Year: 2013
Page: 3 of 3

Tract Number: [REDACTED] Description: [REDACTED]

FAV/WR
History
N

BIA Range Unit Number:

HEL Status: Classified as not HEL

Wetland Status: Wetland determinations not complete

WL Violations: None

| Farmland | Cropland | DCP Cropland | WBP | WRP/EWP | CRP Cropland | GRP |
|----------|----------|-----------------|-----|---------|-----------------|-----|
|----------|----------|-----------------|-----|---------|-----------------|-----|

5 U.S.C. § 552(b)(6)

| State Conservation | Other Conservation | Effective DCP Cropland | Double Cropped | MPL/FWP |
|-----------------------|-----------------------|---------------------------|-------------------|---------|
|-----------------------|-----------------------|---------------------------|-------------------|---------|

5 U.S.C. § 552(b)(6)

| Crop | Base Acreage | Direct Yield | CC Yield | CCC-505 CRP Reduction | PTPP Reduction |
|------|-----------------|-----------------|-------------|--------------------------|-------------------|
|------|-----------------|-----------------|-------------|--------------------------|-------------------|

WHEAT

CORN

SOYBEANS

Total Base Acres:

5 U.S.C. § 552(b)(6)

Owners: [REDACTED] [REDACTED]

Other Producers: 5 U.S.C. § 552(b)(6)

Tract Number: [REDACTED] Description: [REDACTED]

FAV/WR
History
N

BIA Range Unit Number:

HEL Status: Classified as not HEL

Wetland Status: Tract contains a wetland or farmed wetland

WL Violations: None

| Farmland | Cropland | DCP Cropland | WBP | WRP/EWP | CRP Cropland | GRP |
|----------|----------|-----------------|-----|---------|-----------------|-----|
|----------|----------|-----------------|-----|---------|-----------------|-----|

5 U.S.C. § 552(b)(6)

| State Conservation | Other Conservation | Effective DCP Cropland | Double Cropped | MPL/FWP |
|-----------------------|-----------------------|---------------------------|-------------------|---------|
|-----------------------|-----------------------|---------------------------|-------------------|---------|

5 U.S.C. § 552(b)(6)

| Crop | Base Acreage | Direct Yield | CC Yield | CCC-505 CRP Reduction | PTPP Reduction |
|------|-----------------|-----------------|-------------|--------------------------|-------------------|
|------|-----------------|-----------------|-------------|--------------------------|-------------------|

WHEAT

CORN

SOYBEANS

Total Base Acres:

5 U.S.C. § 552(b)(6)

Owners: [REDACTED] [REDACTED]

5 U.S.C. § 552(b)(6)

Other Producers: 5 U.S.C. § 552(b)(6)

United States Department of Agriculture



Natural Resources Conservation Service
Marion Area Office
502 Comfort Drive, Suite D
Marion, IL 62959

Ph: (618)993-5396 ext 141 Fax: (618)993-3126
email: bryan.fitch@il.usda.gov

Date: February 8th, 2013

5 U.S.C. § 552(b)(6)

CERTIFIED MAIL

Dear 5 U.S.C. § 552(b)(6)

The Food Security Act of 1985, as amended, requires any person who plants an agricultural commodity on a wetland converted after December 23, 1985, or converts a wetland after November 28, 1990 for the purpose of making production of an agricultural commodity possible, to be determined ineligible for many US Department of Agriculture (USDA) program benefits conditioned upon compliance with provisions set forth in USDA regulation 7 CFR Part 12 §12.4.

On December 18th, 2012, the Natural Resources Conservation Service (NRCS) conducted a wetland determination field investigation on 5 U.S.C. § 552(b)(6) in Monroe County, Illinois. Based on the field investigation I made a preliminary technical determination that:

- Field A shown in Section II of the attached NRCS-CPA-026E "HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION" form, contain wetlands and/or wetland violations with the labels/certifications as indicated.
- These areas met, or had met before conversion, wetland criteria of having soils that developed in wetlands, plants that grow in wetlands and soil and/or surface wetness.
- Your manipulation by removing woody vegetation in 2012 on this wetland area is considered a manipulation that makes the area farmable and is a violation of the wetland provisions of the Food Security Act of 1985, as amended. This violation may impact your ability to receive many USDA program benefits if an exemption is not granted.

The preliminary technical determination was provided to you on January 8th, 2013 and was based on the findings listed above. The preliminary technical determination provided you a 30 day time period to provide us with additional information upon which to make our determination. The 30 day period was reached on February 8th, 2013. There has been no response to our office on the preliminary technical determination. As required by regulation and NRCS policy, I am making the preliminary technical determination a final technical determination.

The final technical determination has been made for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination may not be valid for identifying the Army Corps of Engineers' (COE) Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the local office of the COE prior to starting the work.

Helping People Help the Land

An Equal Opportunity Provider and Employer



The following are your rights under the USDA Administrative Appeals Process, as provided by the NRCS Appeals Procedures, 7 CFR 614, May 16, 2006, 71 FR28239.

1. Appeal to the Monroe County Farm Service Agency (FSA) County Committee

Monroe County FSA
140 Williamsburg Lane, Waterloo, IL 62298
Phone 618-939-6181 ext 2
Fax 618-939-4647

2. Appeal to the National Appeals Division

USDA National Appeals Division
P.O. Box 68806
Indianapolis, Indiana 46268-0806
Phone: 1-800-541-0457
(317) 875-9648
TTY: 1-800-791-3222
FAX: (317) 875-9674

All requests for appeal on the final technical determination must be made in writing no later than 30 days from the date of the final technical determination.

If you are the owner of **5 U.S.C. § 552(b)(6)** and the tract is being farmed by a tenant, I urge you to discuss this letter with your tenant. Likewise, if you are the tenant of **5 U.S.C. § 552(b)(6)**, I urge you to discuss this letter with your landlord.

Sincerely,

Bryan Fitch

Digitally signed by Bryan Fitch,
DN: cn=Bryan Fitch, o=USDA-
NRCS, email=bryan.fitch@usda.gov,
c=US
Date: 2013.02.06 16:38:30 -05'00'

Designated Conservationist

Attachment: NRCS-CPA-026E HIGHLY ERODIBLE LAND AND WETLAND
CONSERVATION DETERMINATION with map

cc: Monroe County Soil & Water Conservation District



United States Department
of Agriculture

Natural Resources
Conservation Service

NRCS-CPA-026e
9/2012

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

| | | | |
|---|-------------|-----------------------|------------------------------|
| Name | § 552(b)(6) | Request | County: Monroe |
| Address | § 552(b)(6) | Date: 11/29/2012 | |
| Agency or Person Requesting Determination: | FSA 569 | Tract No: § 552(b)(6) | FSA Farm No.: § 552(b)(6) |

Section I - Highly Erodible Land

| | |
|---|-----|
| Is a soil survey now available for making a highly erodible land determination? | Yes |
| Are there highly erodible soil map units on this farm? | |

Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

| Field(s) | HEL(Y/N) | Sodbust (Y/N) | Acres | Determination Date |
|----------|----------|---------------|-------|--------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

The Highly Erodible Land determination was completed in the

Section II - Wetlands

Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

| Field(s) | Wetland Label* | Occurrence Year (CW) | Acres | Determination Date | Certification Date |
|----------|----------------|----------------------|-------|--------------------|--------------------|
| A | CW | 2012 | 0.2 | 1/8/2013 | 2/8/2013 |
| | | | | | |
| | | | | | |
| | | | | | |

The wetland determination was completed in the Field It was Mailed to the person on 2/8/2013

Remarks:

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

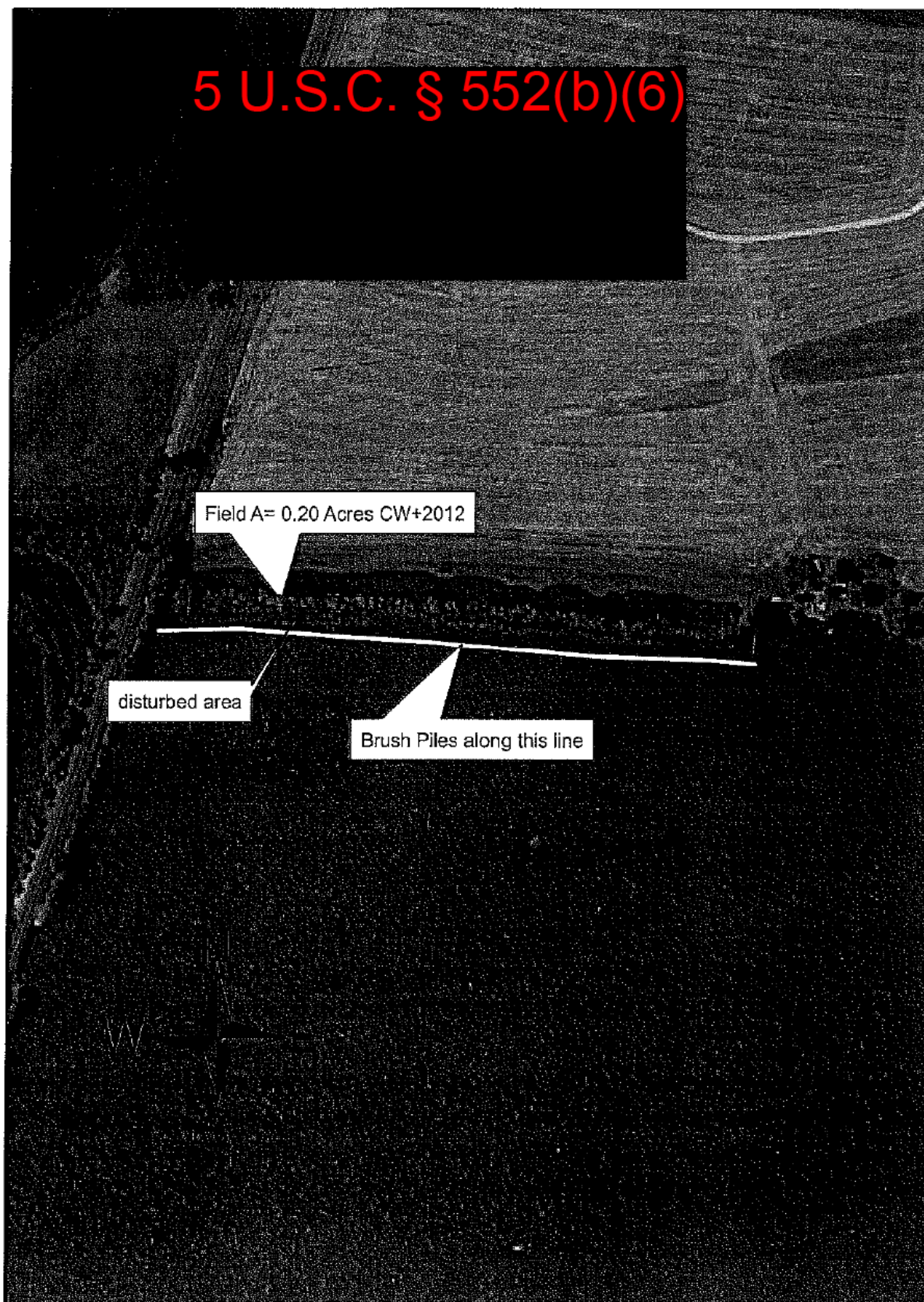
| | |
|---|--------|
| Signature Designated Conservationist | Date |
| Bryan Fitch <small>Digitally signed by Bryan Fitch DN: cn=Bryan Fitch, o=USDA-NRCS, email=bryan.fitch@usda.gov, c=US Date: 2013.02.05 09:02:45 -0600</small> | 1/8/13 |

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5 U.S.C. § 552(b)(6)

Wetland Compliance 2010 Photo

5 U.S.C. § 552(b)(6)



Field A= 0.20 Acres CW+2012

disturbed area

Brush Piles along this line



United States
Department of
Agriculture

Farm Service Agency
Monroe County FSA
138 Williamsburg Lane
Waterloo, IL 62298

March 1, 2013

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According to 6-CP (Rev. 4) subparagraph 601 B, if the action that caused the violation was converting a wetland, then the Farm Service Agency (FSA) is required to deny benefits for the crop or program year that equals the calendar year in which NRCS determines the conversion activity took place, in this case 2012. This denial of benefits continues for all subsequent years until the wetland is restored or mitigated before January 1 of the subsequent crop year(s). This determination of ineligibility applies to you and any persons affiliated with you. To date, according to information on file in this office including your AD-1026 Highly Erodible Land Conservation and Wetland Conservation Certification, identified affiliated producer(s) are 5 U.S.C. § 552(b)(6).

As a result, you are ineligible to receive all benefits on 5 U.S.C. § 552(b)(6) in addition to any other farms requesting benefits under this producer name. Also, any entity that this producer name is a first level member of may have payments reduced according to your share. The amount to be refunded will be included in a separate letter.

The reviewing authority has taken into consideration all available avenues of relief under specific program procedure in the handbook(s) applicable to the issue(s) under appeal, and the 7-CP handbook (7 CFR § 718). The reviewing authority has examined the record and found no evidence to support relief under the finality rule, misaction/misinformation, and failure to fully comply provisions.

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In addition to the above notification of benefit and payment ineligibility and applicable appeal rights, FSA would also like to notify you of good faith relief provisions that may be available for inadvertent violations. Benefit and payment eligibility may be restored if it is determined you acted in good faith as approved by FSA and you agree to implement practices according to a mitigation or restoration plan within an agreed period, not to exceed one year.

If you decide to request a good faith determination, please use Form AD-1069, which has been provided for your convenience, and complete items 7 and 8. As opposed to completing item 7 you may attach a sheet to explain your request. You may also request to meet with the County Committee to provide any information that will assist in their review. If you determine to pursue this option, the completed Form AD-1069 needs to be returned to this office.

Sincerely,

A handwritten signature in cursive script that reads "Linda Mathews".

Linda Mathews
County Executive Director

cc: Wayne Johanning, NRCS District Conservationist
Ray Gvillo, District Director



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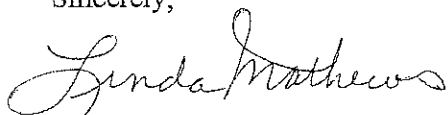
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Furthermore, according to Handbook 6-CP (Rev. 4) subparagraphs 602 E and F and paragraph 302, a producer determined to be an 'affiliated person' of the producer/entity determined to be in violation is also affected due to the affiliated relationship. A copy of the policy is enclosed. As such, this determination of ineligibility applies to you as an affiliate 5 U.S.C. § 552(b)(6). Because of this affiliated relationship, other options to review potential restoration of benefits to you may exist in addition to those outlined below; feel free to contact me for additional review as these actions are determined on a case-by-case basis.

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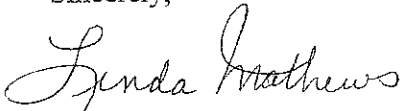
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cc: Name, NRCS District Conservationist
DD Name

In the event a producer files a good faith relief request for the HELC/WC violation and the COC wants to approve, Handbook 6-CP paragraphs 631 and 632 require SED approval with technical concurrence by the NRCS State Conservationist. To assist in this review process, submit the following items (copies only). Do not staple documents (if mailed), put in chronological order (with most recent on top), no front/back- front only for additional copying, preference is to scan in the file and email.

Short cover memo to SED sent to attention of CEPD- Donald or Jamie.

applicable COC minutes

completed AD-1068/1069 and request for good faith from producer if separate from
AD-1068/1069

FSA's noncompliance letter notification to producer

FSA-569

NRCS final determination letter

NRCS status review documentation, work sheets, notes, CPO the producer was found in violation of (if there was one and may not be one for WC), etc. according to 6-CP par. 716E

AD-1026 and 1026A/Producer Farm Data Report

156-EZ for the farm

map of the acreage in violation

*any other info you feel may be needed to help substantiate good faith determination

*after good faith update flags in farm records
+ eligibility records*

DATE 3/1/13

SUBJECT: 5 U.S.C. § 552(b)(6)

BY: Linda

PER: Don King - par 302, 602

ACTION:

5 U.S.C. § 552(b)(6)

- Ineligible need 1069

5 U.S.C. § 552(b)(6)

to - Ineligible need 1069

5 U.S.C. § 552(b)(6)

need 1069

5 U.S.C. § 552(b)(6)

affiliates & ineligible - need 1069

5 U.S.C. § 552(b)(6)

- no affiliation

5 U.S.C. § 552(b)(6)

5 U.S.C. § 552(b)(6) - no affiliation

A 1069 must be completed by the
first 4 producers listed above